LEGISLATIVE COUNCIL

Wednesday 21 March 1984

The PRESIDENT (Hon. A.M. Whyte) took the Chair at 2.15 p.m. and read prayers.

NOARLUNGA HEALTH VILLAGE

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Noarlunga Health Village.

QUESTIONS

MILLIPEDES

The Hon. M.B. CAMERON: I seek leave to make a statement before asking the Minister of Agriculture a question regarding millipedes.

Leave granted.

The Hon. M.B. CAMERON: All members of the Council would be well aware of the problems caused over a number of years now by the insidious creep of millipedes through the Adelaide Hills and into the suburbs. I am fully aware of the situation as they are certainly now reaching the inner suburbs. Some three years ago the State and Federal Governments made research funds available to Dr Geoffrey Baker to carry out research into the means of controlling millipedes. Amongst the investigations was a study of natural predators for the millipedes, which had their origins in Portugal.

Dr Baker, I understand, found several predators, but the most important was a fly, samples of which were brought into Australia. In spite of some interruptions to the research, a report was finally completed in late 1983, which I understand is now in the hands of the Minister of Agriculture. Anyone who has the misfortune to live in an area where the millipedes are prevalent will testify to the discomfort and disturbance which they produce. They breed rapidly, and infestation has been worse this season than in earlier years. I am told that in some localities they can be swept up by the shovelful and they find their way into food, raked ceilings, and even clothes and bedding.

Although any Carbaryl based spray can be used with some success to control them, millipedes breed with such rapidity that a more effective solution is urgently needed. The Government has failed to accept the responsibility taken up by previous State and Federal Governments, causing the research and development programme to end. My questions are as follows:

1. Will the Minister release the report into millipede control?

2. Will he ensure that sufficient additional funds are made available to enable the eradication and development research programme to continue?

The Hon. FRANK BLEVINS: The answers are 'Yes' and 'Yes', but honourable members would be disappointed if I did not give some quite extensive background on this problem. Basically, the facts stated by the Hon. Mr Cameron were correct, but he went on to say that the Government had not accepted its responsibilities, and in that regard he was way off beam. The Government has accepted its responsibilities to the tune of $102 000.

The Hon. L.H. Davis: Dr Baker was waiting for some more money, wasn't he?

The Hon. FRANK BLEVINS: The Hon. Mr Davis knows something about this?

The Hon. L.H. Davis: It is just that I saw something in the paper the other day which indicated that you had run out of money.

The Hon. FRANK BLEVINS: You saw something in the paper!

The PRESIDENT: Order! A question was asked—this is not a debate.

The Hon. FRANK BLEVINS: It is quite ridiculous for the Hon. Mr Cameron to say that the Government has not fulfilled or taken up its obligations. As the Hon. Mr Cameron said, the report is now with us—and a very good report it is too. It expresses the hope that the problem can at least be controlled. The next stage is for Dr Baker to go to Portugal, in August this year I think, to collect some of the flies that may be an appropriate control agent. I believe that the cost is about $4 000, and I am very happy to make that sum available to Dr Baker. Even if that money was not available in the Department of Agriculture I am sure that it would not be too difficult to drive through the Hills districts and raise the money by means of a 'whip around'.

The Hon. M.B. Cameron interjecting:

The Hon. FRANK BLEVINS: Dr Baker of the C.S.I.R.O. has requested that he be funded for a trip to Portugal to collect these flies.

The Hon. Anne Levy interjecting:

The Hon. FRANK BLEVINS: The Hon. Ms Levy says that Mr Davis is an expert, and I wonder why the Hon. Mr Cameron picked on me when there are many other experts.

The Hon. R.C. DeGaris: He could go to Spain, I suppose.

The Hon. FRANK BLEVINS: Yes. The sum of $4 000 is being made available, and that is the sum that Dr Baker requested. The Government is happy to make available that money: I wish that all requests were as easy to deal with as this one. I have no doubt that, if (as a result of the trip to Portugal the importation of the flies and all the tests that must be gone through) there is any substantial benefit in relation to the control of millipedes, the Government would be happy to fund the next stage.

I want to make one further very serious point about this matter. Dr Baker works for the CSIRO, and the fact that the State Government has picked up expenses amounting to more than $100 000 to date for someone who works for the Federal Government is something we should all recognise. We should consider whether State Governments should do that.

The Hon. K.T. Griffin: The Feds ought to do it.

The Hon. FRANK BLEVINS: Yes. It is fine for the Federal Government to say, 'If you want this work done, the CSIRO will do it as part of its normal duties' but, when the agency puts out its hand (and I hasten to add that it was not Dr Baker who did that) and says 'You have to pay,' I believe there are some dangers for State Governments.

However, that really is a side issue but, as regards the progress that the State Government is making in this, certainly on the next stage ($4 000), there are no problems at all. The request was for August. The $4 000 will be available in August, or now if Dr Baker wants to change his timetable. We have no hassles with it at all. All that we can say is that we hope the programme is successful and that this rather disgusting problem can be solved. I thought this morning that we had to be very careful about importing flies at all because coming from the country, as I do, and as one or two other members of this Council do, I believe that the least number of flies that we have around the place the better. We have plenty of flies as it is.

I certainly hope that the programme is successful. I am very pleased that the Hon. Martin Cameron raised the issue, and I am sure that everybody in South Australia will be

pleased to know that the South Australian Government is continuing to meet its obligations for residents in the metropolitan area and in the Hills who are being inconvenienced by this rather unpleasant insect.

PORNOGRAPHY IN PRISONS

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Minister of Correctional Services a question on prison pornography.

Leave granted.

The Hon. K.T. GRIFFIN: Yesterday I asked a series of questions of the Minister about the draft guidelines on the availability of pornography in prisons. He partially answered at considerable length—in fact, for most of Question Time—but then he was able to avoid answering a number of those questions when you, Mr President, quickly called on another member to ask a question. I propose to insist on answers to the remainder of my questions and to ask also for a copy of Mr Peter Priest's report, which appears to have played such a significant role in the preparation of guidelines.

However, the Minister's partial answer raised other questions. Talking about the starting position for the draft guidelines he said, for example:

> So, the optimum position or the base where one starts is: what is legal outside should be legal inside and one works from there.

That raises serious questions about where this Government is leading us in relation to prisons policy. Does the Minister believe that no constraints ought to be placed on a prisoner except to put four walls around him? What about the concept of prison being a place of detention for punishment as well as for rehabilitation, where freedoms ought to be significantly restricted? I am alarmed about the Minister's apparently *laissez faire* policy. The Minister also said that guidelines are being considered in a whole range of areas where there is now some dissension within the prison as to where the line can be drawn. Again, I have a number of questions and am prepared to make the list available to the Minister. I believe that they can be answered quite briefly. They are:

1. Has the Minister now seen the draft circular about pornography?

2. Does he support the proposals that it is purported to contain?

3. Are there occasions when prisoners are permitted to view pornographic videos and films? If so, what are those occasions?

4. If pornographic material is discovered by prison officers in the mail or otherwise, is it confiscated, or dealt with in some other way?

5. Will the Minister release the report of Mr Peter Priest which has been made available to the Ombudsman?

6. Will the Minister make available to the Parliament, other than in Question Time, the philosophy and policy of the Government in relation to prisoners' so-called rights and liberties?

7. What other draft guidelines are being considered by the Department in regard to rights of prisoners in areas in which he says that there is some dissension in the prisons?

The Hon. FRANK BLEVINS: I thank the Hon. Mr Griffin for the questions. They raise some very fundamental issues that are being, and have been, debated in the community, I suppose, for over a century. They require a quite detailed response in all fairness to the importance of the questions. They are not questions that ought to be dealt with lightly. They will require much debate. As always, I will try to be as brief as possible about some of these major issues, but I did not ask the questions. I am not sure how the Hon. Mr Griffin wants this handled. I still have questions Nos. 2 to 7 from yesterday. Has the honourable member abandoned those?

The Hon. K.T. Griffin: I am just asking the Minister today's questions.

The Hon. FRANK BLEVINS: The honourable member does not want me to go over yesterday's questions?

The Hon. K.T. Griffin: No.

The Hon. FRANK BLEVINS: The first question is 'Has the Minister seen the draft circular about pornography?' The answer is 'Yes.' The second question is, 'Does he support the proposals that it is purported to contain?' The answer to that is, 'As a draft (there was never any suggestion that it was anything else)—as a draft, yes.' As I explained yesterday (I will repeat it for the benefit of the Hon. Mr Griffin and the Council) there is a real problem in quite a few difficult areas in prisons. One problem is the lack of guidelines—the lack of firm written instructions about how some of these difficult questions will be resolved.

As I said, one of the first things that prison officers discussed with me when I became Minister was precisely this question: they wanted to know where their rights started and finished on some of these questions and where the rights of prisoners started and finished. So, I asked the Department, whilst it had continuing programmes of drawing up draft instructions in consultation with managers of institutions and the unions representing the employees in those institutions, to accelerate that programme.

The Ombudsman had received a query from a prison officer about the amount of pornography in prisons and he also requested the Department to look at the area. The draft departmental instruction was drawn with that background in mind. In order to draw up a draft departmental instruction one has to have a base, a point from which one can start. It seems that the Department (and I concur completely) believes that the best place to start is with the optimum position. As I said, the optimum position, all things being equal, is that what one can do outside the prison system one ought to be able to do inside the prison system: the rights should be the same. That is the optimum position. It is not necessarily the practical position, and that is why this was circulated as a draft and why it was sent to managers of institutions for comments.

Some of their comments are interesting indeed (and I can read them to the Council if the Hon. Mr Griffin or other honourable members would like that) and the draft was sent to the unions also. If, as I suspect, the optimum position is not possible for a whole range of reasons, then those people, as was the intention, will come back to us and say (again for a whole range of reasons) that we have to step back from what is theoretically the optimum position to a more practical position of A, B, C and D. That is the whole idea of the process through which we are going, and I would have thought that that was a perfectly normal process to go through. I cannot imagine doing it in any other way. It seems to be the simplest and most practical way of doing it. So, as a draft, I support the procedure that has been gone through with this particular departmental instruction. As I said on Friday, I was congratulated by one of the union executives of the general duties personnel in the institutions on this procedure.

The Hon. L.H. Davis: You would be worried if you weren't.

The Hon. FRANK BLEVINS: I am not quite sure what that means. I hope I have made the answer to question No. 2 quite clear. As a draft proposal I support it, and I await with interest a response to the draft from all interested parties. The draft will be modified according to what is practicable within the institutions.

The Hon. R.J. Ritson: How to avoid making a decision in 2 000 words!

The Hon. FRANK BLEVINS: The Hon. Dr Ritson said, 'How to avoid making a decision in 2 000 words'. I think that that is a ridiculous comment. When dealing with something as sensitive as this, I as a Minister and the Government in general try on every issue to have maximum consultation with the people involved before we say how it will be done. Had we put out a draft instruction on this issue or any other issues—and I think we have about 50 or 60 of them—without any consultation whatsoever with the managements of the prisons and the unions concerned, I am sure that the Hon. Dr Ritson would have been the first to condemn us, and quite rightly so. I think that the Hon. Dr Ritson's interjection was ridiculous. Had he any experience in Government I hope he would not have interjected in that way.

The Hon. R.J. Ritson: I wouldn't have spoken for 10 minutes and said nothing.

The Hon. FRANK BLEVINS: It is an extensive list of very important questions. I appreciate the manner in which the Hon. Mr Griffin has collated the questions and presented them, and he warrants a comprehensive answer to these very important questions. I would be obliged to the Hon. Dr Ritson if he did not delay me in replying to the Hon. Mr Griffin. Question No. 3 reads, 'Are there occasions when prisoners are permitted to view pornographic videos and films and, if so, what are those occasions?' We get into a problem of definition in this area. What is pornographic? I am sure that what is pornographic to one individual may not be pornographic to another individual. The policy at the moment is that we only show videos; films have been superseded by technology and are no longer shown in the institutions. We only show videos with a classification of 'R' down to 'NRC' and 'G'. I am not quite sure of the classification, but the films shown range from the lowest rating up to 'R' rating. No films above an 'R' rating are shown, because the areas where the films are shown are public places.

I will not permit anything to be shown in prisons in areas that could be considered public places that could not be shown in public places outside of prison. I think that one of the points made by the prison officer who complained was that he was being subjected to pornography against his wishes, and that is a valid point. It is a point on which I stand with the union very strongly. Employees are not to be subjected to that kind of material. The draft instruction makes that particularly clear. I was pleased with the response of the Ombudsman to the draft instruction where he said that this matter gave him some concern and that it was taken care of in the draft instruction. The problem is how to define pornography. Quite frankly, some of the 'R' films being shown today would have been considered totally pornographic 10 or 15 years ago, even by myself—and I have a very liberal view about these things. However, they are no longer regarded in that light—it is the norm. The language and the visual displays, quite frankly, were unheard of publicly 10 or 15 years ago.

I was at home over the week-end and saw on the television nudity and simulated intercourse (and this was on the ABC, prime time on Sunday night). The simulation was not bad, but who would have believed 10 years ago that we would be seeing that type of material on the ABC on a Sunday night in Australia? It would have been unthinkable and would have been classed as pornographic.

The Hon. C.M. Hill: Answer the question.

The Hon. FRANK BLEVINS: I am trying to. It is now considered as material that can be broadcast on prime time television. So, we have a problem with the definition and some people within prisons would consider 'R' films shown on the video as pornographic. Whether or not they are, I leave to the individual to judge.

Question 4—'If pornographic material is discovered by prison officers in the mail or otherwise, is it confiscated or dealt with in some other way?'—raises a number of issues which we have to go into in some detail. In short, it depends on the institution and on the prison officers concerned who deal with the mail, because there is no unformity throughout the institutions. Again, that is one of the problems we are trying to address.

Members interjecting:

The PRESIDENT: Order!

The Hon. FRANK BLEVINS: As an example, a prisoner was transferred from one institution to another. He had bought a magazine in the canteen of one institution. He took it with him when transferring to another institution and, I understand, he was charged because that other institution considered it an offence to have in the prisoner's possession material of that nature. Again, we can see that there is no consistency throughout the institutions. When there is confiscation of material, it goes into the prisoner's private effects, for when the prisoner leaves an institution he takes his private effects with him. We are attempting in this draft instruction to make it clear to prisoners and prison officers throughout the system what they can and cannot do.

In regard to question 5—'Will the Minister release the report of Mr Peter Priest which was made available to the Ombudsman?'—the answer is 'Yes'. In regard to question 6—'Will the Minister make available to Parliament, other than in Question Time, the philosophy and policy of the Government in relation to prisoners' so-called rights and liberties?'—given time, I would welcome debating that large question with the Opposition. However, in attempting to expedite the business of the Council, I should refer the Opposition to the policies and platform of the Australian Labor Party, as I know that many members opposite carry those documents around with them and they tend to produce them at the slightest provocation. If the Hon. Mr Griffin does not possess them, he can get them in the Library or go down to Trades Hall on South Terrace, pay $3 and it will all be revealed for him.

In regard to question 7—'What are the draft guidelines being considered by the Department in relation to rights of prisoners in areas where it says there is some dissension in the prisons'—I will inquire of the Department which guidelines or departmental instructions it is working on currently and bring them back for the perusal of the Hon. Mr Griffin. I thank him for the questions, which raised some important matters. As regards question 6, I regret that time does not permit me to debate the philosophy of the Australian Labor Party with the Opposition extensively now.

However, I am sure that over the next 18 months or two years, however long it will be before the next election, that opportunity will be afforded to us many times over, both during Question Time and during debate on legislation.

OATH OF ALLEGIANCE

The Hon. M.S. FELEPPA: I seek leave to make a brief explanation before asking the Attorney-General a question regarding an article that appeared in a Messenger Press paper, *The Weekly Times.*

Leave granted.

The Hon. M.S. FELEPPA: I refer to an article that appeared in *The Weekly Times* on Wednesday 14 March 1984 circulating in the Port Adelaide and Woodville council districts. The front page carries, in an almost tabloid form, a vitriolic statement by the Port Adelaide Mayor, his Worship, Mr Roy Marten, against all residents of Australia with ethnic backgrounds. In a narrow-minded outburst reminis-

cent of the 'white Australia policy', Mr Marten insulted honest, law-abiding citizens whose sole fault is that Australia was not their place of birth. In part, the article states:

Port Adelaide Mayor Roy Marten has attacked ethnic groups over a proposal to drop the oath of allegience to the Queen from Australian citizenship ceremonies. Mr Marten wrote: 'It is about time these migrants were made aware of the fact that Her Majesty Queen Elizabeth II is the recognised Queen of Australia—a title which I hope she and her heirs and successors will always retain.

I can assure you these ethnic people, who are leaving their native countries because of problems best known to themselves, that they should think much more deeply before complaining to a section of the Parliament regarding their unhappiness towards the oath of allegiance.' He said ethnic people should accept Australia 'or find an alternative outlet in some other country to suit their whims. I am becoming very irritated about "outsiders" advising us how to run Australia,' he said.

Another article in the same paper states:

And in a speech at Woodville's latest citizenship ceremony, Mayor John Dyer lashed out at the move. He said migrants should have to uphold the laws of Australia by either swearing affirmation or oath. 'To suddenly ask strangers to accept the writing in a Constitution rather than a figurehead I find concerning.' He said the proposed changes arose out of 'national consultation'. Council was informed of the changes through a press release from the Minister.

I point out that the proposed reform of the Citizenship Act as reported by the same newspaper is the result of a report commissioned by the previous Federal Government. This story has irritated many migrant organisations and thousands of good citizens of South Australia. I received a copy of a letter sent to the Minister for Immigration and Ethnic Affairs, the Attorney-General as Minister of Ethnic Affairs, and the South Australian Ethnic Affairs Commission. I also received a copy of a press release by the United Ethnic Communities of South Australia Incorporated which stated:

The provocative recent statements made by the Mayor of Port Adelaide, Mr R. Marten, in which he attacks directly the rights and dignity of those Australians and residents who have a patrimonial wealth that has little to do with an Anglo-Saxon heritage, indicate that such sentiments are not a perverse or isolated expression. Instead they are an indictment of a society which as historical analysis confirms hinged its post World War II industrial development and consequent boom on a policy which solicited the process of immigration without a parallel policy to defend the rights of the mass of new workers, assist in their proper development and actively combat the racial and cultural antagonisms prevalent in what's often too liberally and too prematurely ascertained as being a multicultural society.

Not wishing to be malignant in our interpretation of these occurrences which seem to appear more frequently we want to avert a renewed wave of xenophobia which is manifesting itself in other western industrialised countries that have made use of migrants for the past 20-30 years and now with the resulting economic difficulties are in some cases ruthlessly expelling them from their land.

Are these the latent and true feelings and attitudes behind the comments of that 'first' citizen and condoned by the silence of social and Government institutions? If not, where is the vigorous refutation and the confirmation that all residents here have equal rights also in the area of expessing their cultural heritage? If we are to adopt the principles espoused by people like the Mayor then they should be the first to go home given the arrogance and violence with which their royalist forebears treated the Aborigines and appropriated themselves of this continent.

The PRESIDENT: Is the statement you are reading necessary for the asking of your question?

The Hon. M.S. FELEPPA: I am up to the last paragraph of the press release, and it is most relevant to the history of this criticism. With you indulgence, Mr President, it will only take a couple of seconds. It continues:

We are confident that the sections of our society which are struggling for the construction of a multicultural community and those who aspire to achieve a truly independent and just Australia will find the views of the Mayor offensive. The latitude and space given to air these views needs to be counteracted by the media if it is to maintain any sense of dignity, respect and responsibility.

In conclusion, I consider that Mr Marten and Mr Dyer could have expressed their views quite differently. This action has irritated many thousands of good citizens of the State, and has been regrettable and unfortunate. Migrants will expect the Attorney-General to comment. Will the Minister or the South Australian Ethnic Affairs Commission issue a statement rejecting the criticism of Mr Marten? Can Mr Marten take the liberty to insult some of his fellow Australians without restraint? Can Mr Marten defy Commonwealth legislative law?

The Hon. C.J. SUMNER: Mr Marten, of course, is entitled to express a point of view. The manner in which he did it, I think, was unfortunate. It certainly did nothing to further rational debate about what is an important issue for all Australians. The changes to the Citizenship Act and, in particular, to the oath to be sworn by new citizens on naturalisation, arose out of a very extensive period of community consultation that began prior to the Federal election in March 1983. The changes to the Citizenship Act were prepared following that extensive consultation. As a result of that consultation it was clear that there was a large body of opinion that felt that the form of oath should be changed. That is the subject to which Mr Marten addressed himself in the Messenger Press.

I do not support what Mr Marten says: I believe that he expressed a number of misconceptions. His remarks indicated that there are Australians of one kind and Australians of a different kind, and that is a concept which I reject. The fact is that we are all Australians, no matter what ethnic background or country we come from.

The Hon. R.J. Ritson: But Australians do not go through the citizenship ceremonies. That is the only reason for it.

The Hon. C.J. SUMNER: If a person decides to become a permanent resident and an Australian citizen, the sorts of distinctions that Mr Marten has drawn should not be made. He suggested that the true Australians are those of non-ethnic minority background, and that those of ethnic minority backgrounds somehow or other should not be here—but, if they are here, they should completely forget their past. That, of course, is a policy that I reject. In fact, during the 1950s and 1960s in particular Australia encouraged mass migration. It was not a matter of people seeking to come here: we encouraged them to come and in many cases we paid for their passage. These were people not only from the United Kingdom (who, of course, comprised the dominant ethnic and language speaking group prior to the war) but also from many other countries.

So it seems to me that the Australian society cannot on the one hand encourage people to come to Australia and then, as Mr Marten has done, reject their values and their right to participate in Australian society. I do not believe that there is a need for me to issue a further statement. I have responded to the honourable member's question by saying that I reject Mr Marten's comments. While he is entitled to his point of view (and I do not object to his putting his point of view on an important topic) I believe that the manner in which Mr Marten's point of view was put does not assist the development of good community relations in this country.

M.V. *TROUBRIDGE*

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Leader of the Government in the Council a question about the *Troubridge*.

Leave granted.

The Hon. I. GILFILLAN: I believe that the extraordinary stress on the community of Kangaroo Island because of the non-movement of the *Troubridge* to and from Port Adelaide and Kingscote would be obvious to most members in this Council. It was not so long ago that the ketch service was

stopped, so that the only significant means of transporting the life blood of the community of Kangaroo Island is the *Troubridge*. It does not take many days before crisis point is reached. I spoke to the Mayor of Kingscote this morning and from his comments and, from what I saw when I was there two days ago, I know that the situation has already reached a point where many people are seriously worried. The Mayor stated that panic food buying was occurring. I know that the people who are involved in top dressing, which is a critical activity at this time of the year, are most grievously upset by the current situation.

It has been acknowledged (and I was glad to hear it) by the Government that a precedent has been established by which the *Troubridge* would be excused from this sort of industrial action, as has occurred in the past. I am glad to hear that the Government is sympathetic to this action. As the *Troubridge* has received exemption by unions taking part in strike action in the past, with the emphasis and support of the Government (and probably through the strong influence of the Government), an extraordinary exemption being created, I believe it is well justified that extraordinary action should be taken to relieve the situation now. I would like to make plain that I do not in any way accept that such an action would be strike breaking. Although I have very little sympathy with the strike, that is not the point of my question.

I ask the Government to follow its statements of support and sympathy for the people of Kangaroo Island with some action to get the *Troubridge* going by taking steps immediately, perhaps through the Minister of Transport or the Minister of Marine, to instruct staff members of either the Highways Department or the Department of Marine and Harbors to fulfil the duties of the mooring gangs that are currently on strike to allow the *Troubridge* to sail to Kangaroo Island immediately. I ask the Leader of the Government in this Council to say whether the Government will consider that action, and I urge him most strenuously to do so.

Secondly, I ask whether the Government is aware how damaging the strike will be to the progress of the Industrial Conciliation and Arbitration Act Amendment Bill that is currently before the Parliament?

The Hon. C.J. SUMNER: I will answer the second part of the question first: I do not see any relationship between the strike and the progress of the Bill relating to industrial relations that is before this Parliament. As to the other question, I am not in a position to respond in one way or another to the honourable member's proposition except to say that the action suggested by him may well exacerbate an already unsatisfactory dispute and not lead to a resolution thereof.

If in the past the *Troubridge* has been exempted from industrial action, it may be that that could be considered, but, if that issue is to be considered, it should certainly be done in a calm atmosphere and by negotiation with the parties concerned. I can only refer the honourable member's question to the responsible Ministers to see whether some way can be found to exempt the *Troubridge*, but I do not believe that the suggestion put forward by the honourable member would in any way assist the settlement of the dispute.

The Hon. I. Gilfillan: Will you treat it as a matter of urgency?

The Hon. C.J. SUMNER: Yes.

MARONITE COMMUNITY

The Hon. C.M. HILL: I seek leave to make a brief explanation before asking the Attorney-General, representing the Chief Secretary, a question about the Maronite community in this State.

Leave granted.

The Hon. C.M. HILL: I have received correspondence from South Australia's Maronite community, which, as honourable members will know, comprises the Lebanese Christians in this State. Their building complex is on Goodwood Road, Westbourne Park, and it comprises a church, a principal hall and other amenity buildings. The Chairman of the St Maroun Management Committee has forwarded to me a copy of a letter that I believe is self-explanatory. Dated 15 March 1984 and addressed to the Commissioner of Police, South Australian Police Department, 1 Angas Street, Adelaide, South Australia 5000, the letter states:

Dear Sir,

Approximately three weeks ago we telephoned the Burnside and Unley police stations and reported damage to our hall door (Police report numbers: Burnside 84/608805; Unley 84/686434). We believe that the damage was caused by bullets fired through it and we reported same; however, the police have not contacted us. We are very disappointed.

It seems that the police act promptly and efficiently to calls from residents who complain about the hall noise and cars parked in the street while Mass is being held, but a report such as ours, of an act which could have caused bodily harm to a parishioner or other persons using the hall, is ignored. We look forward to your immediate response.

Yours faithfully,
St Maroun Management Committee
A.G. Nemer, Chairman

We all know of the tragic civil war in Lebanon at present, and it is not unreasonable to say that there are world wide issues between the different factions that comprise the overall Lebanese community.

When one sees a copy of a letter such as this one fears that a serious situation is arising here in South Australia. I feel bound to seek the reasons why this letter was sent to me and to ask whether there is any reason why the police have not taken any action, as is alleged in the letter. My questions are:

1. Are the allegations in this correspondence true?

2. If so, what is the reason for no action being taken by the police?

The Hon. C.J. SUMNER: The Minister of Emergency Services, not the Chief Secretary, now has Ministerial responsibility for police. Be that as it may, I will have the matter investigated and provide a report to the honourable member. It might have been better if the honourable member had raised the matter privately or had the people concerned raised the matter privately, but now that the honourable member has raised it in the Council I will obtain a response.

APPRENTICESHIPS

The Hon. ANNE LEVY: I seek leave to make a very brief statement before asking the Leader of the Government in the Council, representing the Deputy Premier, a question about apprenticeships.

Leave granted.

The Hon. ANNE LEVY: Last year the Department of Technical and Further Education conducted a number of pre-vocational trade courses, in particular some courses for girls in what are regarded as non-traditional areas. I understand that the total number of students in these courses was 200 boys and 30 girls. Can the Minister tell us how many of these TAFE students have obtained apprenticeships this year? In particular, do the figures indicate that the special pre-trade vocation courses for girls in the non-traditional areas are proving successful? As I am sure that all would agree, a measure of success of a pre-vocational course is whether the vocation can then be pursued.

Further, can the Minister tell us how many of the students from these pre-vocational courses have been awarded apprenticeships in Government departments or authorities this year? Did any of the Government departments and authorities actually plan to take a percentage of female apprentices this year and, if so, which departments and authorities did make these plans? What were the percentages that they planned, and have they been achieved?

The Hon. C.J. SUMNER: I will attempt to obtain the information for the honourable member and bring back a reply.

SOUTH AUSTRALIAN DOCTORS

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Health a question about doctors in South Australia.

Leave granted.

The Hon. L.H. DAVIS: Recently, the Minister of Health received wide media coverage when he said that doctors are 'the robber barons of the latter half of the 20th century'. One can only presume that the Minister used this term because he believed that doctors in South Australia were overpaid. Although he is Minister of Health, it seems that he is unaware of an Australia-wide survey of doctors made by the A.M.A. in 1982, which showed that South Australian general practitioners earned lower fees per hour than doctors in all other States. This survey showed that South Australian general practitioners had the highest cost of running medical services and the lowest recommended fees set by both Government and the A.M.A. for all States.

Furthermore, I understand that, at least until recently, South Australian doctors had complied more rigorously with the medical benefits scheduled fee than any other State. The survey suggested that in recent years waterside workers have earned more income per hour before tax than general practitioners. Indeed, I have been told that in the Minister's own profession veterinary surgeons will generally earn annual income after charges and before tax in line with general practitioners, although I am not aware that the Minister has described veterinary surgeons as 'robber barons'. My questions are therefore:

1. Why did the Minister use grossly insulting and unprofessional language for crude political purposes when the facts are at variance with his allegations?

2. Does he have the support of the Premier, Mr Bannon, in calling doctors 'robber barons'?

The Hon. J.R. CORNWALL: It is nice to get a question; I have sat here for two days sleeping on the front bench. I was beginning to be deeply concerned that I had things so well under control that the Opposition was deliberately steering clear of me.

The Hon. L.H. Davis: As long as you have got yourself under control!

The Hon. J.R. CORNWALL: The Hon. Mr Davis leads with his chin, as he normally does. He claimed that I had described doctors as 'robber barons'. He got it wrong. I was not referring to doctors in general; if he had taken the trouble to listen, which he seems not to do very often, the honourable member would know that I referred to diagnostic specialists (that is, particularly pathologists and radiologists in private practice) as having become the robber barons of the latter half of the 20th century. That was an expression used not by me in the first place, but at a seminar some months ago by a visiting American professor, and it happens to be true.

Because of the introduction of computer technology into the medical arena very many tests can be repeated and done very rapidly in 1984, and the scale of charges in some cases is such that it is possible to generate very large incomes. The fact is, as Mr Willis pointed out, that there are a number (not a terribly large number) of diagnostic specialists who make very large incomes indeed. I never applied that tag, nor did I ever intend to have that tag applied, to general practitioners. I have consistently made it clear (although perhaps it has not been quite so consistently reported) that I regard the average, diligent general practitioner out there in the suburbs and out in the rural and provincial communities as working very hard for what I think is a reasonable income and no more. Indeed, on the sorts of figures that I am able to get—and they are fairly hard to get; the AMA does not make them public very often—the average, diligent GP (that is, working hard and with a successful practice) is probably grossing around $100 000 a year, and his average net income on that is probably about $45 000. That is in this day and age for somebody of that skill and that degree of diligence a relatively modest income. So, I have absolutely no quarrel with the incomes of general practitioners, and I have absolutely no quarrel with the incomes of most specialists.

I have always supported the principle of meritocracy. Where people have obtained additional skills over and above their basic tertiary qualifications they deserve to be remunerated appropriately. But, I do not believe that it is moral—(and I will defend this position forever) to have a small group of elite people in the profession—the rich radiologists and pathologists of the Eastern States—who do have net incomes of in excess of $250 000, and I do not believe that they ought to be making those sorts of incomes, particularly at the taxpayers' expense.

That is what section 17 is all about. At the end of the day it is not about specifically charging scheduled fees; it is not specifically about anything else: it is about paying facilities charges for the very expensive diagnostic equipment which we as taxpayers provide in our teaching and public hospitals.

SHOP TRADING HOURS ACT AMENDMENT BILL

The Hon. M.B. CAMERON (Leader of the Opposition) obtained leave and introduced a Bill for an Act to amend the Shop Trading Hours Act, 1977. Read a first time.

The Hon. M.B. CAMERON: I move:

That this Bill be now read a second time.

It is designed to correct a situation which is unacceptable in South Australia today. The Bill is designed to ensure that butchers in South Australia can sell meat on both late night shopping nights and on Saturday mornings. It is already seen in this State that the existing situation is totally unacceptable. It is frustrating to producers who produce the majority of meat sold in this State and who are producers within this State. It is also frustrating to the consumers who now find that they are unable to go to the same butcher on a late shopping night and on Saturday morning. They can go to that butcher only on one or the other occasion, and that is a totally unsatisfactory situation.

The *News* summed it up well in an editorial when it described the situation as being pure Marx—not Karl but Groucho! It is ludicrous to have a situation where a butcher is unable to open his shop during ordinary shopping hours and sell a major product of this State: it is not something that is brought in from outside. There have been many arguments about this issue within South Australia, but the present situation is unacceptable, not only to producers and consumers but also to butchers. Many butchers in South Australia just cannot believe what has happened to them.

They cannot believe that they have been placed in the invidious position of having to choose between one of the hours of sale during ordinary shopping hours.

I assure the Council that I have had absolutely nothing to do with the petitions or letters now appearing in supermarkets and calling for an end to this nonsense, although that is what should happen. The existing situation should be ended now. The Government should be willing to admit that the existing situation is ridiculous and stupid and that it should be rectified. The Government should be willing to support this Bill, take it to another place and put it through as soon as possible to stop South Australia from being the laughing stock of Australia, because that is what we are.

I trust that this time the Hon. Mr Gilfillan will stick with me, because he is directly responsible for this present position, along with Government members who fell in behind him. I was recently speaking on a radio programme dealing with this issue and was surprised, I must say, to find that the Hon. Mr Gilfillan was on the other end of the telephone. I thought that he was a little rough on me because he told me that I should not attack the arrangement after it had been going only for one week. I attacked it well before it was going just for one week: I attacked it in this Council and I shall continue to attack it because I know that it will not work.

I have a little common sense—just a little—and I know it will not work. Common sense tells me that it will not work and that it is not just acceptable. Then, three days later the Hon. Mr Gilfillan in fact agreed with me. He changed his mind within three days and stated:

> . . . however, it was now apparent that the public wanted to be able to buy red meat during all normal shopping hours.

I cannot agree more. The only thing is that the public knew that long before the Bill passed in this place and before it became the law in this State. I promised that I would introduce a Bill to enable the situation to be clarified as soon as possible, which is exactly what I have done.

The Hon. R.I. Lucas: A man of experience.

The Hon. M.B. CAMERON: Yes, a man with loads of experience. I have done that, and now the Council has the opportunity to consider this matter properly and try to rectify the ridiculous situation that has arisen to stop people looking at Parliament and wondering what on earth has gone wrong with it. When they read in supermarkets the little sign saying, 'Sorry, but we can open for late night shopping but we cannot open on Saturday morning (or vice versa, depending on what the situation is)', they must wonder what on earth we are up to in Parliament. I hope that both the Government and the Democrats will accept that this Bill should be passed as soon as possible and brought into law so that the people of this State can buy one of South Australia's major products without having to decide on which day they will go shopping. If they decide on a wrong day and do not have a butcher shop open in their vicinity, they just cannot buy meat. As that is the situation in which people now find themselves, I therefore urge honourable members to support this Bill.

The Hon. I. GILFILLAN secured the adjournment of the debate.

METROPOLITAN TAXI CAB ACT REGULATIONS

The Hon. M.B. CAMERON (Leader of the Opposition): I move:

That the regulations under the Metropolitan Taxi-Cab Act, 1956, re a common licence, made on 5 January 1984 and laid on the table of this Council on 20 March 1984, be disallowed.

The Opposition strongly opposes these regulations, which have been introduced by the Government to establish a common licensing system for taxi cabs by eliminating the distinction between white (unrestricted) and green (restricted) taxi plates without any form of compensation and without any regard for the people who have already purchased white plates. Given the evidence available to the Government, its decision to amend these regulations is totally incomprehensible. As an excuse for this change, the Government relies on the report of the Committee of Inquiry into Metropolitan Taxi Cab Licensing. That report is wholly inadequate. Quite frankly, on reading the report and the details of the evidence presented to the Committee, one is left with the strong conclusion that the Minister made it very clear at the start what he wanted the outcome of the inquiry to be.

The report is extremely deficient, yet the Minister uses it as the basis for advocating substantial change to the taxi industry. As the report is the foundation for the Government's action, it is appropriate that it is the subject of intensive scrutiny and analysis in this debate. I urge honourable members to read the report into Adelaide Metropolitan Taxi Cab Licensing, a Report of the Committee of Inquiry into Metropolitan Taxi Cab Licensing. A two-tiered licensing system applies in Adelaide with white plate cabs having unrestricted access to taxi ranks in central Adelaide and green plate cabs prohibited from using certain ranks within the CBD and other 'restricted' areas.

The Government's regulations end this distinction. Presently a taxi cab authorised to ply for hire in restricted areas may occupy a stand anywhere within the metropolitan area, whereas a taxi authorised to ply for hire in the unrestricted area may only occupy a stand in restricted areas if the stand is vacant and not required by a taxi cab, the licence for which specifically authorises it to ply for hire on that stand or in that restricted area. This led to a procedure known as 'tooting off' in which the driver of an authorised taxi cab sounds the vehicle's horn to alert the driver of the taxi cab occupying a stand in a restricted area that he, being authorised, requires the use of the stand. The first driver is then required to move off the stand. This 'tooting off' procedure seemed to be the main problem associated with the present system—at least in the eyes of some members of the Committee of Inquiry. This practice has now been stopped.

Concern about the introduction of a common licensing or one plate system is widespread—particularly amongst independent operators and the smaller taxi cab companies which see themselves under threat from the big operators. Opponents of the common licensing system see the following problems:

1. An immediate reduction in the value of white plates amounting to several thousands of dollars;
2. A dramatic reduction in weekly income for people who already frequently work 12 hours a day, or more, and we are all aware of that;
3. A free-for-all in the city with an oversupply of cabs and a corresponding dearth of cabs in the surburbs; and
4. Violence in the industry, which is very serious. I will indicate later that some very serious threats have already been made against some opponents of the regulation.

These problems are very real. In its report the committee briefly describes the licensing systems that operate around Australia. It is interesting to note that according to the committee South Australia is the only State with a separate and distinct Metropolitan Taxi Cab Board. In the majority of States responsibility for the regulation of licensing of the taxi cab industry rests with the appropriate division of the Department of Tansport or a traffic authority. The committee

did little analysis of the advantages of a taxi cab board as we have it, compared with some other form of control.

In Chapter 4, regarding submissions to it, the Committee of Inquiry said that most submissions supported the introduction of a common licensing system and that, were a common licensing system introduced, there should be no compensation to licence holders. This view was in marked contrast to that put forward by three of the associations: the White Plate Owners Association, the Restricted Green Plate Association, and the Independent Operators Association. All are opposed to any change to a common licensing system.

The Committee of Inquiry indicated four benefits which it saw as coming from a one plate system. These were:

1. Improved harmony within the industry;
2. Greater efficiency of operators;
3. More widespread coverage of the metropolitan area for passenger service; and
4. Moderation of taxi fares through cost reductions.

We dispute each one of these claims. It is apparent from the discussions that I have had regarding these regulations that all that they would achieve would be switching the dissatisfaction within the industry from one group to another. Indeed, as I will mention shortly in Chapter 5, dealing with the committee's conclusions, on four separate occasions the committee indicated that there would be no benefit to the public from a change to a one plate system.

In reviewing the evidence, the Committee of Inquiry (which I should add was not unanimous in its recommendations) dealt extensively with the source of the 33 discreet submissions which it received. On a number of occasions submissions from individuals and associations were one and the same by virtue of the fact that an individual was representing an association, but the committee in its report listed that individual and his association separately, implying, in fact, that there were two submissions on a particular proposal when in fact there was only one.

It is interesting to note that the committee glossed over the opposition to a one plate taxi system by the Adelaide City Council and the Police Department, both of whom would be in an excellent position to objectively assess the impact of the present taxi licensing system in the metropolitan area. The Adelaide City Council was opposed to the introduction of a one plate system because of concern that it would lead to even more taxis congesting the city centre in search of custom. The Police Department indicated also that a further influx of taxis into the city streets seeking fares may exacerbate traffic through peak periods. These are two very important points. These bodies are free of the vested interests which those involved directly in the taxi industry would obviously have. The committee should have given greater consideration to their views than to some of those people with vested interests. The committee referred to support from the South Australian Transport Industry Training Committee for the introduction of a one plate system, which argued that very few new taxi drivers received training through the Industry Training Committee. The fact that a large number of drivers may be untrained is irrelevant to whether a system of dual or single plates should operate and is quite a separate problem which should be more properly addressed by a body such as a Select Committee, which I will be speaking of later today.

Regrettably, insufficient detail about other matters of significance to the taxi industry was contained in the report. In fact, I believe a number of issues of equal or more importance than the system of licensing were simply glossed over and warranted much more detailed consideration. These views include:

The role of the Metropolitan Taxi Cab Board;

The influence of the taxi-radio companies over the Board and the Taxi Cab Operators Association;

The over supply of taxi cabs in the present market;

The access of taxi drivers;

The value of green and white plates in the present market;

The inadequacy of incomes and the increasing stress being placed on taxi drivers.

Following receipt of written submissions, the committee invited 12 groups or individuals to meet with it to discuss and clarify their submissions. It is interesting to note that because of the complexity of the taxi industry a number of groups and individuals were in effect one and the same, but the committee gave separate weight to their views.

The committee for equality in the taxi cab industry argued in support of a one plate system using arguments such as fuel savings. However, when pressed it could not quantify one instance of time or fuel which could be saved by the introduction of a one plate system and has acknow- ledged that the public presently receives ample service under the two plate system. Mr B. Robinson, listed by the committee as an individual submitter but who represented the Taxi Cab Operators of South Australia, which was listed separately from Mr Robinson as a submitter, agreed (to quote the report):

The public is well served under the present system.

The principal proponents of a one plate system seem to be large taxi companies which can see some advantage for greater control over the taxi industry and the TWU, which sees greater union control through the concentration of taxi cabs into fewer hands.

Chapter 5, dealing with the committee's conclusions, contained information which was quite at odds with the final recommendations of the committee. As a result, I intend to deal with it in some detail. Notwithstanding that the committee finally decided in its recommendations to propose a one plate system, here is what commitee members had to say about the common licensing system and the present dual plate system. On page 13 of the report, committee members concluded:

The present system provides a reasonably high quality of service to the public in terms of access, waiting time and availability.

One wonders then why there should be any change. Further on, still dealing with the first term of reference, committee members concluded, 'None of the submissions or spokespersons could show how the public could benefit by a one-plate system.' Surely, it is the benefit to the public and the service to the public which should concern us most of all. I repeat that 'none of the submissions or spokespersons could show how the public could benefit by a one-plate system'. That is a direct quote, a direct conclusion of the report. But, the Committee went even further in stating, 'The public in the suburbs and, in particular in the city area are adequately serviced by the present system.' Again, that surely shows that there is no necessity for a change.

So, on three occasions on the same page committee members indicated that there would be no advantage to the general public from any change to the licensing system. Why, then, make the change? Well, the committee did indicate as a first point under its conclusions regarding the first term of reference that, 'The present licensing system generates disharmony within the taxi industry, giving rise to problems which primarily affect the operational side of that industry.' Yet, on the very same page in their penultimate conclusion they say, 'Disharmony could occur in the industry should a one-plate system be introduced.'

In other words, a one-plate system will not solve the problems of disharmony within the taxi industry in Adelaide—it will at best shift dissatisfaction from one group to another. At worst, the ill feeling being generated over this whole issue will break out in violence. I have been told

already of threats being made to the spokesman for the White Plate Owners Association, telling him to 'cut out the white plate business or else'. Should the position degenerate, the Government will have no-one but itself to blame.

These regulations should be thrown out: a Select Committee should be established (as I will propose later this afternoon), and the whole taxi industry should be thrown open to objective and thorough scrutiny. The decision to create a one-plate licence system is nothing but the Government's making a decision based on its own vested interests. Its action will in no way solve the problems faced by the taxi industry—problems which the industry members themselves openly acknowledge exist. On any objective assessment, the Government has failed to justify adequately the case for a new licensing system.

There has been no factual evidence to indicate the cost savings which have been claimed from such a system, and there has been no counter evidence to the evidence of the White Plate Owners Association that the value of white plates will fall. In fact, I understand that since the Government announced its intentions to set up a one-plate system, the value of white plates has at best stagnated and, in some instances, fallen, leaving small businessmen with potential losses of thousands of dollars simply as a result of a stroke of a pen by the Government.

The Premier, in correspondence to a taxi owner, indicated that there was little difference between the cost of green and white plates. All evidence shows this to be wrong. White plates, because they are unrestricted, have been worth more because they have enabled drivers to have a greater access to patronage, and, conversely, green plates, because they have been restricted, have been worthless because the income potential from a green plate has been less. This result is not surprising: it is simply due to market forces, as one would expect. Yet, the Government is attempting to deny these market forces exist and to suggest that there is really no great difference or need for a fuss.

In fact, an analysis of taxi plate sales over the past 10 years indicates an average difference between green and white plates of $3 000 to $5 000 and this is quite a substantial sum. It cannot be denied by the Minister. The maximum differential was more than $5 000—not a paltry sum in anyone's language. These regulations must be disallowed. The Government must have the gumption to admit that it is wrong on this matter and that its approach to the taxi industry has been piecemeal.

The Government is attempting to change the livelihood of many hundreds of small businessmen when it should have the gumption to consult them or front up to them to give reasons for what it is doing. Despite promises of consultation following the release of the committee of inquiry's report, the Minister gazetted the regulations without consultation. He acted through the back door. That is entirely unacceptable. It undermines confidence in the entire licensing system and leaves the Minister open to charges by these people of unjust and unacceptable action. The Minister has said that the changes will bring about harmony in the industry. Well, the furore within the industry in recent weeks makes clear that what the Minister has done has merely added fat to the fire.

I understand that, in speaking on the steps of Parliament House today, the Minister said that he was making the changes for the good of the industry and the good of the public, when the very report making the recommendations to him admitted on a number of occasions that there would be absolutely no advantage or benefit to the public and that there would be disharmony in the industry as a result of the change.

The Hon. C.M. Hill: He was booed loudly.

The Hon. M.B. CAMERON: So he should have been. I wonder whether the Minister has read his own report. If he had, he would not have made those statements, because they are quite contrary to the very statements that his Committee of Inquiry made in its report. I urge the Council to oppose these unjust, ill-considered and inappropriate regulations, which have already led to great disharmony in the industry and which have led to the loss of capital to small businessmen, who are some of the hardest working people in this society. They are the hardest working people, and now their very existence is being jeopardised.

I predict that, if these regulations are not disallowed, it is quite likely that, unless we give serious thought to this matter, we will find that the independent operators will vanish and at least two of the smaller companies will disappear, and that we will end up with a virtual monopoly. That is not what we are all about. I urge members to reject these regulations.

The Hon. G.L. BRUCE secured the adjournment of the debate.

TAXI-CAB INDUSTRY

The Hon. M.B. CAMERON (Leader of the Opposition): I move:

That a Select Committee be appointed to inquire into and report upon the Taxi-Cab Industry in South Australia with particular reference to—

1. *(a)* the structure and operation of the Metropolitan Taxi-Cab Board;

(b) the ownership and control of the industry;

(c) the licensing system; and

(d) the location of taxi stands in the City of Adelaide.

2. The role of the taxi industry as a sector of the tourist industry.

3. That in the event of a Select Committee being appointed, it consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and that Standing Order No. 389 be so far suspended as to enable the Chairman of the Select Committee to have a deliberative vote only.

4. That this Council permit the Select Committee to authorise the disclosure, or publication, as it thinks fit, of any evidence presented to the Committee prior to such evidence being reported to the Council.

Earlier this afternoon I dealt with problems being faced in the taxi industry as a result of a move by the Government to establish a new licensing system for taxi-cabs. As I outlined then, and as I will discuss in detail now, the taxi industry faces a number of major problems which cannot be isolated one from the other. Having analysed the report of the Committee of Inquiry into the Metropolitan Taxi-Cab Licensing System and sections of the Travers Morgan Report entitled 'Regulation of the Taxi-Cab Industry in Adelaide', I believe that it is timely that a Select Committee be established to critically, thoroughly and objectively analyse the taxi industry. No-one within the industry would deny there are problems. They cover a variety of issues:

There is conflict between green and white plate owners;

There is conflict between independent operators, small companies and the large companies;

There appears to be dissatisfaction with the Metropolitan Taxi-Cab Board;

There is pressure from the union movement for greater involvement in the industry;

There is an over-supply of taxi-cabs;

Incomes are inadequate;

Stress is increasing;

Hours worked by drivers are high;

There are movements to eliminate any taxi which does not have a radio;

And there are a variety of other problems.

The Minister of Transport established an inquiry, as I have said, into metropolitan taxi-cab licensing. The inquiry was very specific, concentrating primarily on reform of the licensing system. I believe that we now need a Select Committee which would be able to look at the broader issues involved. The Metropolitan Taxi-Cab Act has been largely unchanged since 1956.

Clearly, it is time for a thorough legislative review. Parliament must approve the regulations and the licensing system and, therefore, Parliament should decide on any reform to the Metropolitan Taxi-Cab Act. It is interesting to consider some of the comments made by the Travers Morgan company when looking at the Metropolitan Taxi-Cab Board. Page 19 of the report states:

At the outset we must register our surprise that in fact the objectives of the Metropolitan Taxi-Cab Board are nowhere formally stated. The Act itself is 'an Act to provide for the control of taxi-cabs in the metropolitan area of Adelaide and for incidental purposes'. But, neither the Act nor the schedule of regulations contains any reference to the end to which that control should be exercised. Now, the rationale of many individual regulations is quite obvious from their content (for example, that a licence holder should be a 'fit and proper person'). Also it may be inferred from the representation of the Board members (see paragraph 2.09) that the Metropolitan Taxi-Cab Board was intended more to represent and reconcile the interests of various groups rather than to pursue any independent objectives of its own. Nevertheless, without a clear statement of why it regulates and what it tries thereby to achieve, there is no formal reference point against which the public, and its elected representatives, can judge the consistency and success with which it executes its functions.

Clearly, this is a deficiency and a Select Committee would enable widespread consultation about the need for and role of the Metropolitan Taxi-Cab Board, allowing open and frank debate. According to the Metropolitan Taxi-Cab Board, as at August 1983 there were 845 licensed taxi-cabs. It is generally agreed that this is a relatively large number for our population and one wonders whether consideration should not be given to some reduction in the number of taxi-cab licences.

In Tasmania, for example, recent legislation has been passed enabling the Tasmanian Commission of Transport to buy back licences issued to taxi-cabs operating in the metropolitan area. The main reason for this legislation was the realisation that the Hobart area was over supplied with taxi-cabs.

The taxi industry is clearly in a state of flux. Recent Government action has failed to dampen discontent and before long the public will suffer from a declining service. The location of taxi stands in the City of Adelaide in regard to the restricted area is a very vexed question. It is a question that should not be taken in isolation but considered along with the form of licensing system, the ownership and control of the industry, and the future structure and directions of the Metropolitan Taxi-Cab Board.

All honourable members would have, as I have had, cause from time to time to travel by taxi and I am sure that they, like me, are often surprised by the working hours and the relatively low rate of return that taxi drivers receive. Many work very long hours, 12 hours a day or more for, by any standards, a very poor rate of return. Many taxi drivers feel threatened and insecure and answerable to the Metropolitan Taxi-Cab Board.

The taxi-cab industry is a very important one. Taxi drivers are important ambassadors for tourism, frequently collecting and despatching people from main transport terminals. I believe it is timely, therefore, that the role of the taxi industry as a sector within the tourist industry itself was investigated. The tourist industry is recognised as one of the greatest areas of potential growth in the State and more work needs to be done in this field, hopefully expanding the contribution which the taxi industry can make to tourism in this State.

I urge members to support this move for a Select Committee to examine the problems of the taxi industry in South Australia.

The Hon. G.L. BRUCE secured the adjournment of the debate.

PHYLLOXERA ACT AMENDMENT BILL

The Hon. FRANK BLEVINS (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Phylloxera Act, 1936. Read a first time.

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second time.

This short Bill makes a minor amendment to the principal Act, the Phylloxera Act, 1936. The principal Act under which the Phylloxera Board of South Australia was established had as its objective the protection of the grape industry from the disease 'phylloxera vastatrix'. The Act established a fund maintained principally by levies raised against vignerons. There is provision for the investment of the fund in securities of the Commonwealth, Treasury bills, Government bonds or bonds guaranteed by the Government.

In 1982 the Reserve Bank of Australia refused the Board permission to operate as a registered bidder for Commonwealth bonds on the ground that the Board was not a body corporate and did not meet the Bank's requirements. The Reserve Bank's refusal highlighted the need for the incorporation of the Board in order more effectively to execute its powers and functions under the Act and to accord appropriate protection to Board members. This amending Bill provides for the incorporation of the Board.

Clause 1 is formal. Clause 2 amends section 7 of the principal Act, which continues the Board in existence. New subsections (2), (3) and (4) are inserted. New subsection (2) provides that the Board is a body corporate with perpetual succession and a common seal. The Board may sue, and be sued, and can hold and deal with real and personal property and acquire or incur any other rights or liabilities. New subsection (3) is an evidentiary provision.

The Hon. H.P.K. DUNN secured the adjournment of the debate.

MARALINGA TJARUTJA LAND RIGHTS BILL

Adjourned debate on second reading.

(Continued from 20 March. Page 2590.)

The Hon. BARBARA WIESE: I support the Bill. I decided to speak on this Bill in the final stages of the debate last December, and I did so because the speeches that I heard in this place delivered by some members opposite made me feel so angry and so ashamed to be a member of this white Parliament and this predominantly white society that I thought I should say a few words myself. I would like honourable members to cast their minds back to the last week of that debate, because really it was an extraordinary scene to behold.

While we sat here with the galleries of this Parliament filled with men, women and children who represented the traditional owners of the land that we are discussing (those dignified, peaceful, displaced people), we were subjected to

speeches from members such as the Hon. Mr Cameron who spent most of their time talking about the interests of mining companies, access to roads, and so on. The interests of the human beings who were sitting in the galleries observing the proceedings were ignored: they were pushed aside and dismissed in a couple of sentences.

The Hon. R.C. DeGaris: Do you support the Bill as on file?

The Hon. BARBARA WIESE: Yes, I do. Almost every speech that was made in this Council and in the other place by Liberal members of Parliament was largely about money and business interests. It is difficult for me to believe that these people could be so lacking in human compassion and so ignorant of Aboriginal culture, and that they have such an inadequate sense of justice. In making up our minds on this issue we should all look at the matters on which we have to decide with some sort of historical perspective. Perhaps we should start by remembering just what white colonisation has meant to Aboriginal people.

We white people in this country were invaders. We displaced Aboriginal people from all the areas that are now heavily populated. Right from the very beginning we put our own interests first and paid no attention at all to Aboriginal interests, sometimes simply because of inattention but at other times, as in relation to the genocide that was visited on Tasmanian Aboriginal people, for reasons that were far worse. Once the initial process of colonisation had taken place, once the Europeans had taken much of the best land and indeed many of the marginal lands, there were few areas in which Aboriginal people were left unmolested (except areas in which whites did not wish to live), areas that we used, as in the case of Maralinga, as nuclear weapons testing sites with, as we know now, quite catastrophic consequences.

We now supposedly live in a more enlightened society; we now supposedly recognise that Aboriginal people as well as white people have rights; we now supposedly recognise that the Aboriginal culture is rich and diverse and that it is in many ways fundamentally different from our culture. We now recognise that as a consequence Aboriginal people have a fundamentally different relationship with the land: they have a spiritual relationship. It is for all those reasons that, at long last in relation to these remote areas where traditional Aboriginal society still survives, we have proposed legislation to allow these proud people rights which are meaningful in terms of their own culture. Yet it is at precisely this time of widespread community recognition of Aboriginal rights and of the special importance of land rights that once again some people are arguing that the interests of white Australians and of multi-national corporations should take precedence. Areas which 10 or 20 years ago no white Australian cared about at all are suddenly seen as being of vital importance.

Why is it that members opposite are so afraid to give any power to Aboriginal people? Why cannot they see that the cry for land rights is, as Justice Woodward said in his report, a matter of simple justice? It seems to me that whether or not we accept this legislation is based in the final analysis on our system of values and whether or not we understand (and I mean really understand) Aboriginal people and their special relationship with the land.

Unfortunately, many members of this Parliament do not understand that special relationship, and as an example I refer specifically to the speech delivered in this place last December by the Hon. Mr Dunn. To some extent, it is unfair to single out his speech, because I believe that it was a very genuine and sincere contribution, but I refer to that speech because I believe that it demonstrates very clearly the point I am making about the lack of understanding in this Parliament and in our community of the very special relationship that Aboriginal people have with the land. The Hon. Mr Dunn expressed his sympathy for Aboriginal people and referred to his own land and the way in which he and other farmers live on and from the land. The honourable member talked about their strong feelings for the land and the environment. I am sure that the feelings he described are real and genuinely felt, but the relationship with the land that he described is not the same as the relationship that Aboriginal people have with the land.

The relationship that the Hon. Mr Dunn described was nowhere near as profound, as deep or as all-embracing as the relationship of Aboriginal people with the land. Aborigines are part of the land and the environment in body, mind and spirit. They are inextricably intertwined, and we must understand that. It is this uniqueness of relationship that must be recognised, preserved and protected, and that is why legislation such as this is required. It is imperative for us to try to understand this relationship, because no-one who really understands it could possibly object to this legislation except for the most selfish reasons. Prior to the Pitjantjatjara Land Rights Bill being passed by the Parliament, a working party was established to investigate this whole question. That working party spent a considerable time studying the traditional values of Aboriginal people.

It saw this as a prerequisite for making any just or rational recommendation about the future of the land and the people. The same arguments apply to this legislation. I quote from that working party's report to remind honourable members of what really is central to this question of whether or not we really understand the relationship with the land. The working party in the section of its report that dealt specifically with that question said:

> One of the great problems of Aboriginal culture for Western Europeans has been its lack of visibility. As people without villages the Aboriginals 'had no clearly recognisable claim to a particular area of land; his more subtle relationship with his country was either ignored or not understood'. Aboriginals for many white Australians are either 'cultureless', or else a deservedly outcast minority who have failed to 'progress' from a hunting and gathering economy to the supposedly more advanced system of village based agriculture.

It went on to state later:

> In contrast to Western Europeans, the Pitjantjatjara take mobility over land as axiomatic.The incredible store of fables describing the heroic events of the Dreaming are almost always structured as great traverses punctuated by steps and rests—thereby cementing into the culture a 'morality' of movement. As hunters and gatherers they see their obligation to land as one of stewardship; their use of land is regulated by the rights and obligations created for each individual by his place of birth, his membership in a totemic patriclan, and his relationship to those members of his group required by custom to share aspects of land matters with him. Each man or woman thereby acquires a personal and complex set of interests in respect of many sites scattered widely . . .
>
> The Pitjantjatjara believe that in time gone by the land was plastic and the land surface was merely the visible dimension of a fluid world within which were contained whorls of life—the larger-than-life forms of the progenitors of all living things, including man. In long past heroic times, superbeings often taking the forms of man-animals burst through to the earth's surface and performed monumental and memorable deeds. They sang, talked, philosophised, drew, hunted, ate, slept, copulated, defecated, leaped, made things, uprooted things, threw things and left debris . . .
>
> But more specifically it was the heroic progenitors who became the originators of the totemic patriclans. In turn these are associated with the sites of greatest importance together with the religious rights and obligations reinforcing and underpinning the organisational principles referred to earlier, which regulate the Pitjantjatjara adaptation to his environment. However, it was not only the sets of duties and the lore associated with totemic sites which were laid down in the Dreaming. Between then and now the plastic panoply of earth and actors, as it were, crystallised and became what is today visible. This was no transforming catastrophic event but a turn of the screw which made the action stop, the plastic set and the actors retire to their subterranean habitats. The footprint of an ancestor might thus have been left permanently on a rock outcrop with his soul—or substance—now existing within the earth. Each creek bed, mountain, stone, fissure,

cave, some trees and stars, fire and water, all owe their form to those events, and in the contemporary present each can be touched and explained . . .

When a Pitjantjatjara man embraces a particular rock and calls it 'grandfather', speaks to it and expects it to hear him, he is not making a mistake about its composition as a rock but he does seem to be drawing the distinction between substance and accidents. In this sense a particular rock could be said to be living and it may have a relatively high degree of sacredness. Again, when a Pitjantjatjara lets arm vein blood on to a certain, and in the event, highly sacred patch of ground, he is not performing some inexplicable barbaric right. As his blood contains the substance of his life, so he returns it to the earth which contains the substance of all life. As the earth gave him life by pushing up grasses which contained life for kangaroos to ingest and then pass on to man, so man, in a reasonable and rational act, reciprocates by returning his substance to the earth.

Then, in the final pages of that section of the report, the working party concluded that:

The Pitjantjatjara philosophic tradition stands squarely in its own right as an intellectually satisfying as well as a wonderfully pragmatic system of belief and knowledge.

The sections of that report from which I have quoted make it very clear that that is so. I do not apologise for quoting so extensively from that report; I found it extremely difficult to decide which parts I should leave out because the report is an extraordinarily good one in terms of the way that it tries, as far as we are able, to explain exactly what the Aboriginal people's relationship to the land really is.

It is important for us as members of Parliament to come back always to this fundamental issue, to pause and to try to appreciate the extraordinary cultural and spiritual relationship that Aboriginal people enjoy. I think, too, if I have not already made it clear, that the relationship that Aboriginal people have with the land, as expressed in this report and in other places, can be demonstrated to be quite different from the relationship that white people have with the land. I therefore urge members opposite to open their minds and to respect this extraordinary relationship and to see that the Aboriginal people in South Australia are not cheated any more than they have already been, and that they are not required to give up any more than they have already agreed to.

Ultimately, this matter of the relationship to the land is much more important than mining or access to roads or any of the other matters which primarily have exercised the minds of members of the Liberal Party. In saying that, I would like to say also that no-one is suggesting that mining will not take place in areas that are subject to land rights legislation. Indeed, the history of the relationship between Aboriginal people and mining companies suggests that mining will not be denied if the issue is dealt with sensitively and if Aboriginal rights are respected. We are saying that if the concept of land rights means anything, if we accept the notion that Aborigines have a special relationship to the land, and if we further accept that only Aborigines can tell us whether that relationship would be violated by the intrusion of mining interests, we must also accept that Aborigines should have the right, even if it is never exercised, to say 'No' to mining access.

That is my position on this issue, and I am desperately sorry that this principle has had to be watered down both in this Bill and in the Pitjantjatjara Lands Rights Bill because members of the Liberal Party and the interests that they represent have made it necessary for such a compromise to take place. In conclusion, I remind honourable members of exactly what it was that the Maralinga people were asking for when they came to us originally.

I want to ensure that their simple and just message is recorded in *Hansard*. I want to read part of the statement which was made by the Yalata Community Council in July of last year. It was translated by the Reverend Bill Edwards and that statement said, in part:

Last year we had a meeting at Ooldea with the former Minister of Aboriginal Affairs, Mr Arnold. We invite people to listen on a tape recorder to what we said at that meeting. What was said was written down and we fully explained our concerns and worries about the Maralinga lands. If you listen to the tape or read the transcript you will hear for yourself that these are matters which concern us:

At present we feel weak and we want a strong law to be brought in. Miners are already coming into this country and they are strong. Miners are destroying our land; they are bringing in bulldozers and they are digging and they are doing things to this land. Although the miners are a worry to us and we want a strong law to look after our land, we want to be peaceable and we want to work with the mining industry. The land is our land and we should be able to look after the land ourselves. We have had trouble from fox shooters and station people going into our land; we are not sure where we stand. We do not know what we can say to these people. This land has been promised to us for 28 years and they have been promising us this land for 28 years. We have been asking and asking but still haven't got the land.

Later in the statement they go on to state:

Our desire is to get on well with our neighbours. We do not want to be unfriendly to anyone. We know many of the farmers who live in this area. We know some of the railway workers. We do, however, worry when people drive through this Maralinga land area. We worry if we do not know what people are doing or where they are going. They should ask our permission first. On the question of mining, there are things that the mining companies should sort out with us before they carry out mining work. We want the power to do this ourselves.

The statement concludes with the following paragraph:

The name for this new land (Maralinga Tjarutja) was chosen by us. The name is important. We want the word 'Maralinga' left in the name because: the white people recognise the word and will realise where our land is; we want to remind the white people what happened to us and what they did to us. Finally, Yalata people are mainly Pitjantjatjaras. We represent the traditional owners of the Maralinga lands. We want the same law as the northern Pitjantjatjaras have and we urge that this be given to us quickly.

I think that that message speaks for itself, and I remind the Parliament that it was a Liberal Premier who promised to give back the Maralinga lands to the Aboriginal people. It is the Liberal Party which is always insisting that Governments should honour promises and agreements. I feel very sad that the amended Bill, which hopefully will pass this Parliament, will not be as strong as the Pitjantjatjara Land Rights Bill.

It will not give the Maralinga people the things that they asked for, and it will not give those people what is justly theirs. I also know that these people have compromised with the people who have been negotiating with them, and they have been compromised both by white interests and ignorance and also by their concern for their own people. They know that every day that passes without this Bill being carried by this Parliament causes serious social damage to the community to which they belong. So, with all its inadequacies, I urge honourable members to support the legislation and the amendments that will be moved later by the Government to ensure that the Bill passes through this Parliament as quickly as possible to provide some small measure of justice to the Maralinga people, because it is very clear that they deserve it.

The Hon. J.C. BURDETT secured the adjournment of the debate.

CONTROLLED SUBSTANCES BILL

Adjourned debate on second reading.

(Continued from 8 December. Page 2521.)

The Hon. J.C. BURDETT: I support the second reading of the Bill. I agree with the Minister that this is a far-

reaching and important piece of legislation, the most important in this field for many years. As has been said, this Bill follows the recommendation of the Sackville Report in putting all the law relating to drugs in the same place. At the present time this law is scattered between the Narcotic and Psychotropic Drugs Act and the Food and Drugs Act.

The previous Government had in the pipeline a Controlled Substances Bill with that intention, although what was then intended differed in many material particulars from the present Bill. I support the creation of new maximum penalties of $250 000 and 25 years imprisonment for large-scale drug trafficking. I am sure that the whole Parliament views with abhorrence the life-destroying crime of drug trafficking, and these penalties are an appropriate indication to the courts of the seriousness with which Parliament views this totally anti-social, cruel and vicious crime.

The crime is even more abhorrent because its motive is personal greed at the expense of destroying the lives of people who, through some personal weakness or other, allow themselves to become dependent on drugs. For the same reason I support the inclusion of powers to enable the charging of financiers of drug trafficking schemes as principal offenders. After all, in this context these people are just as callous and as guilty as the traffickers themselves. I also support the inclusion of powers to enable courts to order forfeiture of property of persons convicted of offences against the Act and to prevent the dissipation of such property.

As I have suggested, these crimes are cynical crimes of greed and, at least in regard to these offences, the traffickers should not be able to keep their extremely ill-gotten gains. I do not agree with the reduction of the penalty for possession of cannabis or cannabis resin for smoking or consumption from a maximum fine of $2 000 or imprisonment for two years or both, to a fine of a maximum of $500. The present penalties are only maxima and leave the flexibility for the courts to impose severe penalties where there are aggravated circumstances. In ordinary cases of, say, first offenders where there are no such circumstances, the penalties will, of course, continue to be low if the present maxima are retained. I can see no justification for disturbing the present penalties. The maximum penalties imposed by Parliament indicate to the courts the seriousness with which Parliament views the offence and the court imposes a penalty between nothing and that maximum, according to the circumstances of the particular case.

The penalties imposed at present in unaggravated cases are acknowledged to be fairly light. In accordance with the principle that I have just stated, the dramatic reduction in the maximum proposed in the Bill would reduce the present fine in ordinary cases to an illusory amount. I recognise, of course, that the Sackville Report recommended that this offence cease to be an offence at all and I am also aware that the sampling of public opinion taken by the Minister (who was of the same opinion as Sackville) was against the course of making simple possession ceasing to be an offence at all. I am having an amendment drafted which seeks to retain the *status quo*.

I refer to clause 18, which creates an offence to supply substances containing volatile solvents to persons who the supplier knows intend to use them for inhalation. This, of course, refers to what is commonly called glue sniffing. This is a matter of serious concern, particularly in regard to young people. It is a practice which we all know can and does cause death. While I was Minister of Community Welfare, I caused some inquiry to be made into the problem and found that there was no easy answer (I was almost going to say 'solution' to the problem).

It appears to be, at the present time, impracticable to supply glues which do not contain volatile solvents. Clause 18 tries to grapple with the problem in some way. I believe that the Minister was quite accurate when he said:

> What the clause seeks to do is express the Government's abhorrence of the unscrupulous dealers who provide glue and other substances containing volatile solvents, allegedly in some cases together with plastic bags, clearly knowing that they are being purchased for self-inhalation.

I think this is all that the clause will do, namely, express abhorrence.It will be very difficult to prove that the defendant suspected or that there were reasonable grounds for suspecting that the person supplied intends to inhale the solvent or intends to supply it to some other person for inhalation.

I next refer to the establishment of drug assessment and aid panels. This proposal was adequately explained by the Minister and is clearly set out in Part V Division II of the Bill, and I do not propose to repeat the provisions in detail. Suffice to say that the effect of the division is to provide that, where simple possession offences (which are defined to exclude offences in relation to cannabis or cannabis resin—so that we are dealing with simple possession offences in relation to the so-called 'hard drugs') are alleged, the matter shall be referred to an assessment panel and in certain circumstances that panel may proceed to deal with the matter. It is true that it may not proceed if it considers that the matter should be dealt with by a court or where the person concerned denies the offence or desires to be dealt with otherwise, that is, by a court.

Where the assessment and aid panel does proceed, its powers are set out in the division, and I do not propose to repeat them. It is my assessment that in a very substantial proportion of simple possession offences (as defined) the panel procedure would be used. The Sackville Report recommended this procedure. However, I do not believe that it is appropriate. It is my view that where a breach of the law is alleged against an adult offender he should be dealt with by the ordinary courts of the land. To do otherwise is to erode the criminal justice system.

Supporters of the panel system have pointed to the success of the Children's Aid Panels in connection with offences committed by children. This comparison is not valid. It has been traditional to deal with children who offend on a different basis from adults. It is true that there are some special features of drug offences, but the same applies to many other categories of offence—sexual offences, offences of dishonesty and the like. I see no justification in withdrawing those charged with simple possession offences from the ordinary operation of the court system. The courts already have the opportunity to obtain reports on the offender and have the power through good behaviour bonds and other means to require supervision and treatment. If it is felt that assistance available to drug offenders ought to be strengthened, I am not opposed to that concept. But, I maintain that the courts are the proper bodies to deal with adult persons against whom allegations of breaches of the law are made. The courts can have access to people who, to use the words of clause 31:

> ... have extensive knowledge of the physical, psychological and social problems connected with the misuse of drugs of dependence or prohibited drugs or the treatment of persons experiencing such problems.

It is common now for courts to obtain appropriate reports. If it is deemed that special provisions ought to be made to provide these facilities in regard to drug offenders I do not object to that. That is making reports more readily accessible. However, the point is that dealing with an adult offender is a judicial matter and ought to be dealt with by a member of the bench.

The Bill leaves too much to be prescribed by regulation. Clause 29 (3) leaves the quantity of drugs which make a possessor deemed to possess with intent to sell or supply to another person to be prescribed by regulation. It is true that

section 5 (4) of the Narcotic and Psychotropic Drugs Act at the present time has a similar procedure, but the whole context of the Act is quite different. Most importantly, in the present Act, the drugs to which the Act applies are specified, while in the Bill even this is left to regulation. Secondly, the penalties provided in the clause for sale or supply are very much higher in the Bill, and justifiably so, but where penalties are so high Parliament ought to have more direct control over the quantity which can change the nature of the offence.

Another area where too much is left to regulation is clause 29 (5), where very substantial differences in what are already very substantial penalties depend upon a quantity to be prescribed by regulation. In an important matter like this, Parliament ought to have direct control, and the quantities ought to be set out in the Bill. I am having amendments drafted to attend to the two areas that I have just mentioned.

I refer to clause 17 of the Bill, which makes it an offence to administer a prescription drug unless one is a medical practitioner, dentist, veterinary surgeon or nurse acting in the ordinary course of the particular profession, or unless one is a member of a prescribed profession or, *inter alia*, a person licensed to do so by the Health Commission. I have received a letter from the President of the Australian Optometrical Association, enclosing a copy of a submission to the Minister, requesting amendments so that optometrists will be able to continue to practise their profession under the Opticians Act without hindrance. I understand their concerns, but their fears could be allayed either by amendment, by the nature of the drugs prescribed to be prescription drugs, by prescribing the profession under clause 17 *(b)*, or by licence from the Health Commission. I will ask the Minister, when he replies to the second reading debate or in the Committee stage, to give an undertaking which will satisfy the legitimate concerns of the optometrists.

Various members of the health food industry have approached me with concerns about the Bill. Some have, for example, read clause 13 as prohibiting their industry. This clause prohibits the manufacture of a therapeutic substance unless the manufacturer is a medical practitioner, etc., or licensed by the Health Commission. Clause 14 has a similar prohibition in regard to sale by wholesale. However, in the definition clause, a therapeutic substance is only one which is prescribed by regulation so to be, and this, unlike the previous matters to which I have referred, is a perfectly proper area for prescription by regulation. The present Food and Drugs Act has similar provisions which could be presently invoked, but which have not been, against the health food industry. It does not seem to me that the mere fact of the passing of this Bill will adversely affect the industry. It has been patent for some time that some measure of control over the industry in some aspects may be desirable, and there was a report in today's *Advertiser* on this matter.

The Minister is reported as having said, 'This Bill will establish mechanisms to control sections of the health food industry, if controls were ever required.' While I believe that the mechanisms are already there in the Food and Drugs Act, I would agree that this Bill provides more suitable mechanisms. The Minister made quite clear in his statement to the press that he does not propose any Draconian controls over the health food industry, and I am sure that that statement can be accepted. As I have said, existing powers would enable control, and the Bill simply seeks to re-enact those powers in a different form as it repeals the Food and Drugs Act. For these reasons I support the second reading of the Bill but, in the areas that I have indicated, I will be moving amendments during the Committee stage.

The Hon. K.T. GRIFFIN: When the Williams Royal Commission presented its report to the Federal Government in 1980 the then Federal Government, in consultation with all the States, set up a working group or committee to analyse the recommendations of the Williams Royal Commission, and it was given the objective of preparing uniform legislation relating to, on the one hand, the trafficking of drugs, and on the other hand, drugs of dependence. The Williams Royal Commission recommended two separate pieces of legislation: the first to deal with trafficking, which would focus on a most serious problem in Australian society, with commensurate severe penalties, and the second to deal with drugs of dependence, where in some instances the penalties would also be substantial but not as high as the penalties applying in the trafficking legislation.

The then State Government was participating in the Commonwealth working group through officers of the Minister of Health, the Attorney-General and the police. It was moving towards some agreement on uniform legislation. I presume, from the introduction of the Controlled Substances Bill, that the Minister of Health and his colleagues continued their involvement, through their officers, with that working group, and this Bill is one result of that work at Federal and State levels. I am pleased to see that that has occurred. The Bill seeks to reduce the penalty for possession of cannibis.

The Hon. J.R. Cornwall: Personal possession.

The Hon. K.T. GRIFFIN: Yes, personal possession and, as necessarily follows, it relates to the use of cannabis, and to reduce the penalty on the grounds that, in over 2 000 cases in a year, the courts impose only about 12 prison sentences, and the average penalty seems to about $100 to $150. It appears that on that basis the Government has decided that, whilst it will still retain the prohibition on the use of marihuana or cannabis, the penalties will be substantially reduced.

I do not accept that, just because the courts impose a lower penalty and a few prison sentences, that in itself is a good reason to lower the penalties. Quite obviously there are cases where it is appropriate to impose the higher penalties, and any reduction in penalties and the removal of prison sentences would indicate to the courts a desire by the Parliament to regard the offence less seriously than the way in which it is regarded at present. The natural consequence of that reduction would be a reduction in the penalties that the courts impose. It certainly does not follow that a reduction in the statutory maximum penalties will leave the courts in the position where they continue to impose, generally speaking, penalties of $100 or $150 per offender. So, I believe that no change ought to be made to the present law in respect of penalties for personal use or possession of cannabis.

The Williams Royal Commission quite obviously disagreed in its conclusion with the Sackville Royal Commission in regard to the personal use of cannabis. The Williams Royal Commission reached conclusions in respect of the use of cannabis, and its report stated:

> The Commission could summarise its important conclusions on cannabis as follows:
>
> - that cannabis is a drug with a capacity to cause harm;
> - that cannabis will always remain an intoxicating drug;
> - that time may show that the harmful effect on the user and on the community are greater or less than present research has established;
>
> and
>
> - that, within a 10-year period, the proposed National and State Drug Information Centres will have advanced our knowledge on all aspects of the problem of drug abuse including cannabis use.
>
> Since the 1960s the Western world has been treated to a highly polarised argument on cannabis. The leaders in the debate often have done far more reading than research. Arguments on both sides have been dressed up in many guises to advocate the point of view rather than to assist the perplexed community, standing on the middle ground, to reach a rational conclusion.

After nearly 20 years of acrimonious division, the time has come in Australia to put aside polemics and to enter upon a period of balanced consideration of the issues of cannabis. This consideration must take place in the context of a consideration of the whole area of drug abuse in Australia. In the Commission's view, the operation of the national strategy which is recommended for this period of time will place the Australian community and its policy makers in a position to review objectively whether present prohibitions against cannabis should be maintained. This moratorium will ensure that a relaxation of the prohibitions against cannabis is taken for good reason. A decision to relax the prohibitions at the moment will, in the Commission's view, be an unwise reaction to emotive and possible misguided pressure.

The fact that Australians must bear in mind is that a decision now to remove the prohibition against cannabis can never, from the practical point of view, be reversed.

Recommendations.

The Commission recommends that:

No relaxation of the present Australian prohibition on cannabis be made for 10 years from the commencement of the operation of the drug information centres recommended in Part XIV.

At the expiration of the 10 years the legal prohibition against cannabis be reviewed by the Commonwealth and State Governments acting in concert.

The Williams Royal Commission, in other parts of its report, was recommending a strategy to properly research the issues in relation to the use and effects of cannabis and concluded that a period of 10 years from the commencement of the operation of the drug information centres would be an appropriate time to reconsider the prohibition on cannabis in Australia. That, of course, extends to the question of penalty as well, because any relaxation of penalties will necessarily reflect in the community's view and in the view of the courts a less concerned attitude by the law makers of the use of cannabis. On that basis I am not able to support the proposal in the Bill, but will be supporting the amendments proposed by my colleague, the Hon. John Burdett.

I refer to drug assessment panels, as did my colleague the Hon. John Burdett. It is correct that, in the juvenile or young offender area, children's aid or assessment panels have been particularly effective. They were established because, at that end of the community, there was a recognition that tremendous peer pressure could be brought to bear on young persons to commit offences deliberately or inadvertently and that one offence itself should not be sufficient to mar the future of a young offender. One offence or several minor offences should not be regarded in the context of young offenders being prejudiced for life.

There was also a recognition that young offenders are impressionable and that everything ought to be done to ensure that they were rehabilitated, if that was necessary, or at least encouraged and supported in an objective not to re-offend and, after the commission of an offence, to lead a law-abiding and profitable life. That is quite appropriate with young offenders. However, I would argue quite strongly that that is not appropriate where we are talking about adult persons. One presumes that adults have a certain degree of experience of life and a certain level of maturity, although that level will vary from adult to adult and courts themselves will take into account all extenuating and mitigating circumstances in the commission of an offence. If that is the case, I cannot see how a drug assessment panel is able to assist adult persons in respect of simple possession offences.

The Offenders Probation Act has now been in operation in this State for well over a decade. It gives the courts the power to convict, to impose a bond, to impose a bond without conviction or to record no conviction and no bond. So there is a wide range of penalties or remedies which the courts can impose in respect of offenders. Those offenders against this legislation will be equally affected by that.

The Hon. J.R. Cornwall: Do you think that magistrates are experts in the field of drug addiction?

The Hon. K.T. GRIFFIN: One could ask whether the courts themselves are experts in any area, be it drug addiction, provocation, or whatever. Judges and magistrates are there to impartially guide the presentation and defence of a case, to endeavour to make a fair, reasonable and just determination of the matter before them, and to impose a penalty or remedy which is appropriate to the offence.

I know that in the criminal jurisdiction judicial officers at all levels frequently apply for pre-sentence reports, psychiatric reports and other reports which they take into account in determining the appropriate level of penalty. I know, too, that when courts have been dealing with drug addicts they have been concerned about the lack of facilities available to enable the proper treatment of drug users. So, while it may be appropriate to question the capacity of judges and others in exercising judicial responsibility, it is also appropriate to question what facilities are available if they finally determine a particular course of treatment or penalty. I am strongly of the view that the courts are established to do a job, to dispense justice, and that they are the best qualified in our system to do that task.

The Hon. J.R. Cornwall: What is being said is 'Blame the victim.'

The Hon. K.T. GRIFFIN: No, it is not.

The Hon. J.R. Cornwall: Yes, it is. It is a classical conservative position and you are a classical conservative, so that is all right. But, let us be clear about what you are saying.

The Hon. K.T. GRIFFIN: I am conservative. I do not make any apology for that. In fact, I take some pride in it. But, the Minister does not follow the point that I was making.

The Hon. J.R. Cornwall: I follow it very clearly. You are into victim blaming.

The Hon. K.T. GRIFFIN: No, a matter of justice is involved and—

The Hon. J.R. Cornwall: Yes, lock them up.

The Hon. K.T. GRIFFIN: No, I am not saying 'Lock them up.'

The Hon. J.R. Cornwall: Yes, you are.

The Hon. K.T. GRIFFIN: The Minister is in dreamland because he has not been listening. The fact is that if an offence has been committed—

The Hon. J.R. Cornwall: I know your attitude. You stymied this when you were in Government for three years. You continually blocked any moves to do anything about it. I know your track record.

The Hon. K.T. GRIFFIN: Certainly, the Liberal Government did not stymie anything.

The Hon. J.R. Cornwall: No, you did personally.

The Hon. K.T. GRIFFIN: I did not, either. The fact is that the Williams Committee presented its report in 1980 and put forward recommendations on which the then Federal and State Governments were endeavouring to reach uniform conclusions, so that there would not be the vast differences which presently apply between the States in respect of drug laws. I repeat that, where a person has offended against the laws relating to the use, manufacture, sale, trafficking, etc., of drugs, the courts are the appropriate places for decisions to be taken as to what should be done with the offender.

As I said a few minutes ago, and I say again, the courts frequently call for pre-sentence reports, psychiatric reports, treatment reports, and so on, and they take those into consideration in determining what should be done with the victim. It is not uncommon for courts to impose a bond with conditions which will require the offender to obtain treatment or perform certain actions in the interests not only of rehabilitation but also of making amends for the offence against the law and society. I believe that the courts are the best places to make those decisions.

Drug assessment panels will, of course, have the power to determine whether or not an offender is, in fact, referred to the courts. I suggest that that is an inappropriate power for a body such as this to have: it ought to be where it presently is, that is, with the law enforcement agencies of the Crown, including the Attorney-General. What is the remedy if a person comes before an assessment panel and is patted on the hand and required to undertake treatment and does not do so? Then, the remedy is not so much for the matter to go back to the court but to wait until the offender reoffends. I do not believe it is appropriate for these sorts of offences to go to drug assessment panels.

The other area of concern to me is that this is a Bill where the substance is to be dealt with by regulation. I recognise that some aspects of this legislation need to be dealt with by regulation. I ask the Minister whether he will give an undertaking to the Council that, if the Bill passes in a form which in some respects allows actions to be taken by regulations, he will make those regulations available publicly for comment before they are promulgated. That course of action is taken in the national companies and securities area, where there is a high level of public exposure of drafts and opportunities for comment before legislation is enacted or regulations promulgated. Quite significant consequences arise from matters being prescribed by regulation under this legislation.

I will support the amendment to which the Hon. Mr Burdett has referred and which specifies the drugs and quantities of drugs that are to be the subject of quite extreme penalties, under clause 29 in particular. The power of forfeiture, the power of significant imprisonment and the power to impose very substantial monetary penalties should not be left to regulation, because this involves the liberty of the individual. Members opposite from time to time express very considerable concern about ensuring that where there is to be an impingement on the liberty of a subject it must be clearly spelt out in the Statute.

Concerning clause 29, for example, I do not believe that it is appropriate to leave to regulation the prescribing of the drugs the manufacture of which will result in penalties up to $250 000 and imprisonment for 25 years. One should remember that the only remedy that Parliament has is to disallow the regulations and not to participate in any way in the decision-making process as to what drugs and what quantities of drugs will be the levels at which penalties will be imposed.

Notwithstanding my indication of support for those amendments, I hope that the Minister will be prepared to make the regulations available publicly before promulgation. Those regulations will be quite extensive, and it is desirable that the whole community have an opportunity to comment before the significant constraints which the legislation contemplates are imposed.

The only other matter on which I want to comment is the forfeiture provisions, which were recommended by the Williams Committee and were the subject of a private member's Bill that I introduced earlier in this session. I am pleased that the Government has decided to pursue the forfeiture provisions that I raised earlier in the session, because they would be a significant new remedy for the law enforcement agencies and the courts to impose in respect of those who have most to gain from drugs—the drug traffickers and financiers. I am pleased that this matter has been pursued, and I hope that that aspect of the legislation will be in force in the not too distant future, because it will act as an effective deterrent to those who are at the top of the scale and who benefit most from breaches of the law in respect of drug trafficking and manufacture and financing. Subject to those reservations, I support the second reading.

The Hon. L.H. DAVIS secured the adjournment of the debate.

ADJOURNMENT

At 4.58 p.m. the Council adjourned until Thursday 22 March at 2.15 p.m.